THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11882 of 1996

ORAL ORDER:

It appears, petitioner was a Junior Engineer (Trainee) and he was supposed to undergo training for one year and thereafter his services would be considered for regular promotion as Junior Engineer.

According to the petitioner, he has completed one year training period, but his services were not regularized. Under the impugned order dated 28.6.1994, the petitioner's services were terminated. Aggrieved by the same, the present writ petition is filed.

It is the case of the petitioner that he was appointed on 6.5.1992 as a Trainee Junior Engineer. As per the appointment order, after completion of one year training, the petitioner will be appointed in the regular time scale of Rs.1360-60-1980-70-2750. It was also made clear that after appointing the petitioner in regular scale, he is entitled for allowances as admissible to the regular employees as per rules. The petitioner has completed one year training on 5.5.1993. After completion of one year training, the petitioner made representation to the respondents to regularize his services. Though the petitioner completed more than two years of service, he was not appointed in regular scale. Since the petitioner has completed more than two years, he is deemed to have been treated as regular employee. Therefore, termination of his service under the impugned order is arbitrary and illegal.

A detailed counter affidavit is filed on behalf of respondents asserting that during the training period at the office of Regional Manager(AE), Hyderabad from 17.12.1992, the Regional Manager has written some adverse remarks against the petitioner, which are as

under:

> "He lacks interest in discharging of his duties. Takes instructions and guidance lightly. His period of training may please be extended".

Thereafter, the petitioner was issued with a show cause notice for his absence from duty from 23.12.1993 to 4.1.1994 stating that he left the field without permission from the competent authority and as to why his services should not be terminated in terms of conditions of service. He applied for Extraordinary Leave for six days from 30.5.1994 to 4.6.1994 and four days from 7.6.1994 to 10.6.1994 and extended leave from 13.6.1994 for 90 days. Under those circumstances and in view of the terms of appointment as a Trainee, there was no other go except to dispense with the services of the petitioner.

I am of the opinion that the respondents have not committed any error in terminating the services of the petitioner as per the remarks of the Regional Manager and also in view of the fact that the petitioner has violated the conditions of service by applying leave after leave for 90 days which is not in tune with the conditions of his appointment as a Junior Engineer (Trainee).

For all the above reasons, the writ petition is devoid of merits and liable to be dismissed and accordingly dismissed. No order as to costs.

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C.V.RAMULU,
J

Date: 21.11.2006

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W.P.No.11882 of 1996

21.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11882 of 1996

Date: 21st November, 2006

Between:

N.J.Johnson

Petitioner

And

The Managing Director,
Andhra Pradesh State Agro Industries
Development Corporation, A.C.Guards,
Hyderabad & another.

.. Respondents